IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Crl.MC.No. 2132 of 2007()

CRIME NO.345/06 OF PUDUKKAD POLICE STATION
CMP.2145/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA

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PETITIONER: CLAIM PETITIONER:

DAVID JOHN, S/O.JOHN,
CHOONATTUSSERIYIL HOUSE, IRINJALAKUDA,
CHALAKUDY.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.V.SADASIVAN
SRI.M.AYYOOBUKHAN
SRI.K.JITHIN
SMT.K.L.SREEKALA
SMT.SREEDEVI KYLASANATH

RESPONDENTS: REPONDENT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2132 of 2007

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Dated this the 10th day of July, 2007

O R D E R

The petitioner has come to this court with a prayer that Condition No.3, which I extract below,

> "3. The petitioner shall not use the vehicle in public places without the permission of the Court, except for the purpose of taking the vehicle from the police station for safe custody and petitioner shall file an undertaking to that effect."

imposed on him as per order dt. 26.3.2007 in C.M.P. 2145 of 2007 in Crime No.345 of 2006 of Pudukkad Police Station may now be deleted.

2. The said crime has been registered and the said vehicle has been seized on the allegation that the said vehicle is a stolen vehicle and the chassis number and engine number of the said vehicle have been tampered with. The police have a case that the stolen vehicles have been tampered with to make it appear that the stolen vehicles bear the number of totally damaged vehicles which have been sold by the Insurance Companies etc. Investigation is in progress. So far the police have not been able to trace the person from whose possession the vehicle was allegedly stolen. That it is stolen is an assumption/inference made by the police on the basis of the tangible

fact that there has been alteration in the chassis number and engine number of the vehicle. The petitioner claims to be a bonafide purchaser of the said vehicle. By order dt. 26.3.07 the vehicle was directed to be released to the custody of the petitioner subject to appropriate conditions. One of the conditions is the Condition No.3 extracted above.

3. The learned counsel for the petitioner submits that identical condition imposed in respect of the other vehicles involved in the same crime has now been deleted. The endless continuation of the said condition is causing the petitioner great prejudice, hardship and loss. In these circumstances it is prayed that Condition No.3 may be deleted in the instant case also. The petitioner undertakes that the vehicle shall be used in strict compliance with the motor vehicles Act and the Rules thereunder. Sufficient safeguards have already been taken when the learned Magistrate directed release of the vehicle as per order dt. 26.3.07.

4. This Crl.M.C. is hence allowed. The said condition No.3 shall stand deleted. It is made clear that the petitioner shall use the vehicle only in strict compliance with the motor vehicles Act and the Rules thereunder.

(R. BASANT)
Judge

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